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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON DEPUTY



08-CV-00474-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LEONDIS DAVONE BERRY,

Petitioner,

v.

FRED FIGUEROA,

Respondent.

CASE NO. C08-474-JLR

ORDER DISMISSING § 2254 PETITION

The Court, having reviewed petitioner's petition for writ of habeas corpus, respondent's answer thereto, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, and the balance of the record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's federal habeas petition (Dkt. No. 7) is DISMISSED, with prejudice, under 28 U.S.C. § 2244(d).
- (3) The Clerk is directed to send copies of this Order to all counsel of record and to Judge Donohue.

DATED this 24th day of November, 2008.

JAMES L. ROBART
United States District Judge

ORDER DISMISSING § 2254 PETITION